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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Hector Santos,

7 Plaintiff,

8 v.

9 S. Kinney; et al.,

10 Defendants.

Case No. 2:23-cv-02134-MMD-DJA

Report and Recommendation

11 On May 6, 2024, the Court ordered Plaintiff to show cause why the Court should not
12 dismiss his case for failure to prosecute under Federal Rule of Civil Procedure 41(b), noting that
13 Plaintiff had not taken any action in the case since January 30, 2024. (ECF No. 14). The Court
14 explained that “[f]ailure to comply with this order may result in a recommendation from the
15 undersigned magistrate judge to the assigned district judge for the imposition of sanctions,
16 including dismissal.” (*Id.*). To date, Plaintiff has not filed anything further in this action.

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18 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
19 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

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21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
23 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
24 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
25 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
26 (1985), *reh’g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file
27 objections within the specified time and (2) failure to properly address and brief the objectionable
28 issues waives the right to appeal the District Court’s order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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4 DATED: August 29, 2024

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7 DANIEL J. ALBREGTS
8 UNITED STATES MAGISTRATE JUDGE
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